

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Khincey Nevell Barnes**

**Docket No. 5:17-CR-300-1BO**

**Petition for Action on Supervised Release**

COMES NOW Matthew Fmura, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Khincey Nevell Barnes, who, upon an earlier plea of guilty to Distribution of a Quantity of Heroin, in violation of 21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(C), and 21 U.S.C. § 851, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on July 11, 2018, to the custody of the Bureau of Prisons for a term of 14 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 6 years.

Khincey Nevell Barnes was released from custody on September 14, 2018, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** The defendant tested positive for Oxycodone on September 21, 2018 and the results were confirmed by Alere Laboratory on September 28, 2018. The defendant has submitted two more tests since that time and drug use was not detected. Due to the defendant's extensive substance abuse history and a positive test, he has agreed to participate in outpatient substance abuse treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Dwayne K. Benfield

Dwayne K. Benfield  
Supervising U.S. Probation Officer


/s/ Matthew Fmura

Matthew Fmura  
U.S. Probation Officer  
201 South Evans Street, Rm 210  
Greenville, NC 27858-1137  
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Executed On: October 9, 2018

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**ORDER OF THE COURT**

Considered and ordered this 10 day of October, 2018, and ordered filed and made a part of the records in the above case.



Terrence W. Boyle  
U.S. District Judge